

11/13/06 BJD-- Telephone conference with Mai Lan F. Isler; prepare for hearing; conference with Randy McNeill; appearance at hearing [2.2]

11/13/06 MFI-- Research regarding Fourteenth and Fifth Amendment pleading requirements; continue drafting 12(b)(6) motion to dismiss §1983 claims; telephone conference with Bruce Downey regarding motion to dismiss and upcoming status conference [2.3]

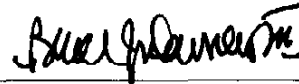
Total Time: BJD-- 7.8
MFI-- 7.5

Total Expense: 15.3 hours at \$175.00 per hour = \$2,677.50

Note: The above time was spent preparing for the hearing set for 11/13/06. However, the amount of time that was wasted because of the Plaintiff's attorney's failure to attend would be less than the total time spent. The wasted time includes the time spent attending the hearing [approximately 0.5 hours] and approximately 2 hours of time that would be needed to re-familiarize counsel before the rescheduled hearing with the preparation done for the 11/13/06 hearing, a total of 2.5 hours at \$175/hour or \$437.50.

FURTHER THE AFFIANT SAYETH NOT.

Dated: November 20, 2006.

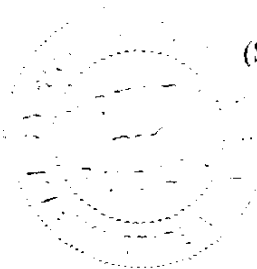


Bruce J. Downey III, Affiant

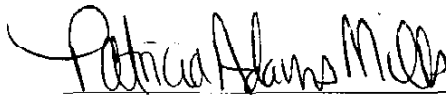
STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, Patricia Adams Mills, a notary public in and for the State of Alabama at Large, hereby certify that BRUCE J. DOWNEY III, whose name is signed to the foregoing AFFIDAVIT and who is known to me, acknowledged before me on this day that, being informed of the contents of the AFFIDAVIT, he executed same voluntarily on the day same bears date.

GIVEN under my hand and seal on this, the 20th day of November, 2006.



(SEAL)



NOTARY PUBLIC

My Commission Expires: 7-16-07

CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of November, 2006, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Henry L. Penick, Esq.
H. L. Penick & Associates, P.C.
P O Box 967
Birmingham, AL 35201-0967

s/Bruce J. Downey, III
OF COUNSEL